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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,437	05/16/2000	MANABU OUMI	S004-3848	5091

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EXAMINER

LE, KIMLIEN T

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/462,437	OUMI ET AL.
	Examiner	Art Unit
	Kimlien T Le	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
  - 4a) Of the above claim(s) 4-18 and 23-31 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 19-22 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

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### **DETAILED ACTION**

1. Applicant's election of Species Figs 1 and 7 & claims 1-3, 19-22 and 32 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 4-18, and 23-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

#### *Specification*

3. The disclosure is objected to because of the following informalities: in the brief description of the drawings, Figure 4 should be Figures 4a-4c and Figure 6 should be Figures 6a-6b. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

↳ Claims 1-3, 19-22 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight et al. (U.S. Patent 6,243,350).

Regarding claim 1, see Figs. 3, 21 and 22 of Knight et al. which show a near-field optical head comprising: a slider (310) supported by a suspension arm (2104) providing a load weight and obtaining a floating force due to a relative motion of the slider with respect to a recording medium, and producing a gap in cooperation with the recording medium (302) due to a balance between the load weight and the floating force; and a probe (340) provided in a bottom surface of the slider for producing a near-field light or converting a near-field light produced on a surface of the recording medium into a propagation light; wherein the recording medium and the probe (340) interact through the near-field light when the slider is caused to undergo scanning movement relative to a surface of the recording medium to thereby effect at least one of the recording of information onto the recording medium and the reproducing of information stored on the recording medium; and wherein the probe protrudes from the bottom surface of the slider toward the recording medium so that a distance between the probe and the recording medium is smaller than a distance between the bottom surface of the slider and the recording medium.

Regarding claim 2, see Figs. 3, 21 and 22 of Knight et al. which show a near-field optical head according to claim 1 wherein the probe comprises a microscopic aperture (column 69, lines 7-9) formed in the slider for producing a near field light or converting a near-field light produced on a surface of the recording medium into a propagation light.

Regarding claim 3, see Figs. 3,6, 21 and 22 of Knight et al. which show a near-field optical head according to claim 1 wherein the probe comprises a microscopic protrusion formed in the slider for producing a near field light or converting a near-field light produced on a surface of the recording medium into a propagation light.

Regarding claim 19, see Figs. 3 ,21 and 22 of Knight et al. which show a near-field optical head comprising: a support member (2001) mounted to undergo relative movement with respect to a sample(302); and a probe (340) protruding from a bottom surface of the support member for producing a near-field light or converting a near-field light produced at a surface of the sample into a propagation light; wherein the sample and the probe interact through the near-field light when the support member undergoes relative movement with respect to the surface of the sample; and wherein the bottom surface of the support member is more distant from the sample than the probe.

Regarding claim 20, see Figs. 3 ,21 and 22 of Knight et al. which show a near-field optical head according to claim 19; wherein the support member comprises a slider supported by a suspension arm for providing a load weight and producing a floating force in response to relative motion thereof with respect to the sample so that a gap is formed between the probe and the sample due to a balance between the load weight and the floating force.

Regarding claim 21, see Figs. 3 ,21 and 22 of Knight et al. which show a near-field optical head according to claim 19; wherein the probe comprises a microscopic aperture formed in the support member for producing a near field light or converting a near-field light produced on a surface of the sample into a propagation light.

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Regarding claim 22, see Figs. 3,6, 21 and 22 of Knight et al. which show a near-field optical head according to claim 19; wherein the probe comprises a microscopic protrusion extending from the support member( column 6, lines 37-40)) for producing a near field light or converting a near-field light produced on a surface of the recording medium into a propagation light (column 13, lines 1-5).

Regarding claim 32, see Figs. 3 ,21 and 22 of Knight et al. which show a near-field optical head according to claim 19; wherein the probe comprises a tapered projection mounted to the support member and having a sharpened tip protruding from the bottom surface of the support member (column 67, lines 4-8).

***References Cited***

Guerraet al. (U.S. Patent 6,396,789), Boutaghou (U.S. Patent 5,870,362), and Schaenzer et al. (U.S. Patent 5,831,797) are cited to show a near-field optical head.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T. Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Korzuch William can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le  
August 12, 2002

*William Korzuch*  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600